

JURY QUICKLY FINDS BECKER GUILTY

conclusion that must mean death for Charles Becker unless the Court of Appeals again intervenes.

When the hands of the clock pointed to 4:30, the foreman asked Capt. Lynch to notify Justice Seabury that a verdict had been agreed upon. The Justice was in his chambers adjoining the trial room, ready for whatever request or service the jury might suggest. The District Attorney and counsel for the defense were summoned instantly by the Justice.

Whitman Expects Conviction.

Mr. Whitman, in his private office, was discussing with a few friends the possibilities of the verdict. He was convinced that there would be a conviction, but at the back of his mind was the same feeling that every man in the Criminal Courts Building had—a human being can tell beforehand what a jury is going to do.

When the Justice's summons reached him, eight words from Secretary Lloyd Willis, "Justice Seabury wants you in the court room," Mr. Whitman did not know that a verdict was coming. He guessed first that the jury was coming in to have some detail of the evidence read or to ask for further instructions upon a puzzling point. He ran, rather than walked, to the elevator, which dropped him to the first floor, and plunged through a crowd of men and women who had heard the mere flash of news and whose nerves were already vibrating. Mr. Whitman elbowed through the throng and was admiring the crowd of people out of the air when he saw a crowd of men and women who had heard the mere flash of news and whose nerves were already vibrating.

Two minutes before the newspaper men in the corridor were settling themselves for a long wait. They were gossiping about the probabilities, no two in agreement. A party was being formed for early dinner. Visitors were drifting through the corridor, hungry for any scrap of news—anything that might have been plucked out of the air. Miss Edith Barrymore, with her husband, Russell Colt—they had sat through the charge to the jury in the morning session and were too interested to leave the building—were asking if there was a chance for an early verdict. "What's the use to stay?" said Miss Barrymore. "They're going to look up the jury."

Prophecy in Elder's Mouth.

And that was the moment that the District Attorney fairly exploded from the elevator, the moment when there was a sudden stir all over the building; a chorus of excited voices, a clatter of running feet. That was the moment too when a very curious thing happened.

Down in the well of the building, on the main floor, a voice broke above the hubbub. "Murder in the first!" It was a guess, no doubt, a shot in the dark. The jurors hadn't left their room. The Justice himself didn't know what their verdict was. And yet before the defendant was called to the bar and before Foreman Blagden answered the great question the elevator men and the janitors were anticipating the verdict.

The reporters, who were in the court room at the sign of Justice Seabury's attendant—the Justice had sent out merely the significant message, "The reporters are wanted"—did not know until minutes later that the verdict had been reached. It was a guess, no doubt, a shot in the dark. The jurors hadn't left their room. The Justice himself didn't know what their verdict was. And yet before the defendant was called to the bar and before Foreman Blagden answered the great question the elevator men and the janitors were anticipating the verdict.

Benches and chairs that had been occupied in times of lesser interest were now empty. The supreme moment of the trial had been reached. Up at the clerk's desk sat William Penny, stroking his white mustache and glancing a look nervously, for all of his experience, at the distant clock.

The door leading to the Justice's chambers and the witness room swung open. Martin T. Manton, Becker's chief counsel, who had landed from the case of his client with such skill and tenacity, who was sure at that minute of nothing worse than disagreement, walked rapidly in his associates, John B. Johnson, Harford T. Marshall, at his heels. There was a seriousness in their faces, but not apprehension. They dropped into their chairs at the Becker table and the court officials the room was hushed. By order of the court room save a newspaper man was to be admitted.

Becker Enters to Hear Verdict.

Footsteps sounded in the hallway to the jury room. The door opened. Capt. Lynch, his hand trembling slightly as he entered for a clear aisle for the jurors, admitted the twelve. Mr. Blagden, the foreman, came on steadily, looking straight in front of him, his face set like stone. His associate, almost trembling on each other's heels, followed his rapid lead to the jury box.

Manton's keen glance swept over them, appraising, appraising. He turned to the staff with a whisper. The jurors seated themselves, squared their faces to inquisitive eyes and waited for the Justice. This was at 4:54. M. Marshall, at his heels. There was a seriousness in their faces, but not apprehension. They dropped into their chairs at the Becker table and the court officials the room was hushed. By order of the court room save a newspaper man was to be admitted.

Charles Becker to the Bar.

Once more the door that gives entrance toward the Tombs as well as to the jury room was opened. A deputy sheriff, then Becker, then a second deputy. One glance was all you needed to see that Becker had himself under magnificent control. His iron nerve was not bending. He swung with firm strides around the walls and came to a stand at the railing. Those who watched him did not see a sign of agitation. He was breathing slowly—you could see that from the rise and fall of his chest. He was smiling slightly as he glanced toward his counsel.

Hope Shining in His Eyes.

He looked for the first time toward the jurors. There was confidence and hope shining in his eyes. Coolly, without haste, he studied the face of every man in the box. Not one of them met his eye. Foreman Blagden gazed at the floor, Frederick G. Barrett, Jr. gazed at the ceiling. The others gazed into space or turned their glance toward the Justice.

There was the most perfect silence in the court room.

And yet such sounds and annoyances were forgotten; ceased to be of consequence when Clerk Penny bent toward the foreman and slowly put the customary question: "Gentlemen of the jury, have you agreed upon your verdict?"

Mr. Blagden's reply was barely audible—any in the room sensed its import, but failed to grasp the actual words. It was obvious that the foreman, having to express the will of his associates, was stirred by such feeling as seldom comes to any man.

"Guilty," Says Foreman.

"Guilty as charged in the indictment," he breathed more than spoke. Becker's right hand was then gripped to the railing. He held his straw hat in his left hand, which, at his arm was bent backward and upward, rested against the small of his back. It is the plain truth that he took the blow without a quiver. After a second, it may be, he coughed, just a little, a mere clearing of the throat. But his mouth was firm. His dark face lost no vestige of color. His black eyes turned toward the jurymen, who still avoided his glance, who looked everywhere but at the man they had condemned. Those who watched Becker got



CHARLES BECKER.

the impression that he was absolutely stunned with surprise; that he hadn't been able to believe his ears. That impression was strengthened a minute or two later when Mr. Manton demanded that the jurors be polled.

As Clerk Penny called the names there was some hush left in Becker's face; a visible expression of hope that the poll couldn't possibly confirm the foreman's words. He held that expression as man after man responded "Guilty," until Jesse G. Velle, Juror No. 10, had spoken. Then, unquestionably, he gave up and realized that there could be no doubt of the verdict. He braced himself for the formality of taking his pledge.

Clerk Penny called out the questions regarding age, nationality, residence, and so on, and Officer Kavanaugh stood at Becker's side to repeat the answers.

Break in Voice Betrays Emotion.

At first there was no need for Kavanaugh. He gave his age as 45, his birthplace as the United States, stated that both parents were of German birth, and that his home was at 3239 Oliveville avenue. Then his voice began to sag. Kavanaugh found it necessary to repeat some of his answers to the clerk.

"Have you ever been convicted before of a crime?" asked the clerk.

"Yes, on the same charge," said Becker.

The clerk repeated the question, surprised at Becker's answer. Becker replied loudly:

"No. I was never convicted before of a crime."

Sentence Next Friday.

You cannot put into words the tension of that and the preceding minutes. Two men near to Becker were crying from sheer nervousness. Their nerves played them tricks in the pinch. His voice rang strongly again when the clerk asked him as to what had been his religious instruction. Becker replied with one word:

"Catholic."

His voice fell off again as other questions came and again Kavanaugh had to relay the replies to the clerk.

Justice Seabury, after brief consideration,

announced that Becker was remanded to the Tombs until May 29, when he will be sentenced. There was no objection from counsel. Justice Seabury addressed the jurors.

"Gentlemen of the jury," he said, "I am desirous of thanking you for the service you have rendered. Because of the length of time it required and the absence of an entailed from your homes and families, I shall forward to the Jury Commissioners certificates excusing all of you from further jury duty for two years. You are now discharged."

Becker Watches Jurors Go.

The jurors were filing out. Walter Goodyear, No. 12, in the lead, Mr. Blagden, in the middle and the others in the rear. Their faces had changed. They were smiling, some of them. Very probably that was the nervous reaction from the extraordinary strain they had been under. Becker's eyes turned from his lawyers and followed the jurors. It didn't seem as if there was anger or vindictiveness in the glance. It seemed more like interest, simple wonder.

The court officers raised their voices in

Justice Seabury's charge to the jury rang so ominously in the ears of the Becker lawyers that their principal, Martin T. Manton, sprang to his feet with the accusation that the charge was "an animated argument."

Becker, Johnson and Marshall sat scowling at the counsel table. Manton, on his feet near the bench, was red with anger. He had just asked the court to instruct the jury that Rose and Webster had not said a word in the former trial about Marshall, the State's corroborative witness as regards the Harlem conference, being present when Becker conferred with them.

"I so charge," ruled Justice Seabury.

"But I also charge that Vallon testified in the former trial that Becker called to him a colored boy."

"I respectfully except to your Honor's ruling on the ground that it took the form of animated argument," said Mr. Manton.

Remark Amuses Listeners.

The remark amazed a crowded court room. Justice Seabury paused a moment as if he were assuring himself that he heard aright. "That is an entirely unwarrantable

order to clear the court room. Becker's lawyers lingered with him. A reporter who knew Becker well said to him:

"Lieutenant, I am sorry for you."

"I am sorry for myself," said Becker, but his voice was even and steady.

"Will you say anything about the verdict—about the appeal?"

"Not a word."

The deputy sheriffs stepped to his side and marched him to the entrance to the passageway that connects with the Tombs. As they reached the door they slipped handcuffs around his wrists. It was the first time he had worn them for many months, but the verdict had changed things. Before he reached the door several men shook hands with him. To the last he showed a smiling face.

He did not wait to see his wife who had been waiting for the verdict with her brother, John Lynch, and Becker's brothers, Jackson and Lieut. John Becker, in the Sheriff's room, not far from the court room. Mrs. Becker was unable to speak. She was utterly broken. It was considered best to postpone until to-day a meeting between the wife and husband.

A story was circulated through the Criminal Courts Building that Becker had joined his wife for a few minutes, but the story was denied by the court officers and by the deputy sheriffs in the Tombs.

Will Appeal at Once.

Mr. Manton and his associates said immediately after court had been adjourned that they would begin at once the work of preparing their appeal. Mr. Manton believes that he has strong grounds for asking further consideration of the case by the Court of Appeals.

"We shall appeal at once," he said. "That goes without saying. There are ample grounds. I shall make points of the course of the Justice in permitting the jury to hear the evidence of the State's witnesses. I shall make a point of the court's exclusion of the testimony that Father Cashion, Warden Clancy and Principal Keeler, Melvyn Frank's exonerated of Becker just before the murder."

"If Mrs. Rosenberg's testimony was to be let in, our witnesses should have been heard. I shall make a point of the court's charge to the jury. I have taken exception to the whole charge. My opinion of the charge is found in the record of the case."

Mr. Manton referred to his protest against the statements of Justice Seabury, a protest worded, "I object to your Honor's animated argument."

"Astounded," Says Manton.

"As for the verdict," said Becker's chief counsel, "I can only say that we are all astounded—Becker as much as the rest of us. Absolutely we expected acquittal."

"Why," said John B. Johnson, "we were not depending on a hung jury. We thought there might be a chance of a disagreement, but we believed we had made out a clear case for acquittal."

District Attorney Whitman declined to discuss the verdict except to say: "The verdict speaks for itself."

Justice Seabury would not consent to be interviewed. He desired, however, to express his approval of the conduct of all those who had business in the trial room.

Clerk William Penny's comment concerned the attitude of the jury before the verdict was announced.

"I had never seen a jury come in without giving some intimation of its verdict until this one appeared," said Mr. Penny. "My experience covers thirty-one years. I had no more idea what the foreman was going to say than had a man out in the street."

Capt. William Lynch, the veteran court captain, said:

"This was the closest mouthed jury I ever guarded. They never made a request for anything. They hardly spoke above a whisper. It's the first time in my recollection that ever happened."

Judge Reviews Testimony.

Justice Seabury began his address at 10:05 A. M. and finished at 12:28 P. M. He outlined the laws of evidence as they bore on the trial of Becker. He summarized the testimony for the State and reviewed the testimony for the defense. Then he came to an analysis of corroborative evidence. He said that the State's motive was to be decided from the evidence.

claim that this defendant had not motive sufficient to cause him to plan or conspire the death of Rosenberg; that many gamblers had an adequate motive."

The Justice pointed out that motive was not an essential element of murder, but that when the evidence was of such degree of circumstantiality, and where the circumstances pointed to guilt, the jury should consider whether or not the defendant had an adequate motive.

Then came possibly the most interesting part of the charge, that concerning "the heart of the conspiracy," as the Court of Appeals called the Harlem conference.

"It is an important question in this case for you to determine whether or not the so-called 'Harlem conference' was held. You have the testimony of Rose; you have the testimony of Webster, and you have the testimony of Vallon to the effect that on the night of June 27, 1912, they met this defendant at the corner of 124th street and Seventh avenue; that in that conversation this defendant told them that Rosenberg must be murdered, and assured them that no harm could come to any person who brought about his death."

"The People offered you the testimony of Marshall. You saw Marshall upon the stand. Marshall says that he saw Rose talking with this defendant; very important in this case for you gentlemen of the jury, to determine whether that testimony was true. Did Marshall see this defendant and Rose talking together at that place on that night? You remember the testimony of the defendant, that on behalf of the defendant. One of them says that he went into the defendant's house, and that he brought the defendant down, others, that they went with the defendant all the evening until he took the car to return to his home, and did not, on any occasion that night, come in contact with or see Rose."

"Now, it is not denied that this defendant was engaged in running a so-called crap game at 225 West 124th street; it is not denied that Marshall, the colored boy, was there. That the defendant was there on that occasion, and that you will consider all the testimony bearing upon that subject."

Importance of Phone Calls.

After tracing the movements of Becker from July 1, 1912, until the murder occurred on July 15, 1912, Justice Seabury came next to the importance of the phone calls to Becker's house. He said just this:

"Gentlemen, what did the defendant do according to the evidence immediately after the killing of Rosenberg? This is a question which you gentlemen have a right to ask, and upon which you should endeavor to determine from the evidence that has been presented to you in the case."

"It appears without dispute that Rosenberg was killed a little after 1:40 in the morning of July 16. Dr. Taylor testified that he examined the body at 2 A. M. and that he found no life in it. Hawley, the doctor who attended to the defendant's wounds, said that he was unable to get that number and that he then called upon the defendant's private telephone number 563, and that he told Rosenberg that he was in the hospital, and that the defendant said that he had been told that a newspaper reporter had given him the information."

"The telephone slips produced by Carney show that at about that time those two numbers were connected. Rose says that about 2 o'clock in the morning he called upon Audubon 6994 and that he had a telephone conversation with this defendant. He says that he asked the defendant whether he had heard the news; and that the defendant said that he had; and that a newspaper reporter had given him the information."

Calls Rose "One of Murderers."

"Rose said that this defendant congratulated him upon the murder of Rosenberg. Now, gentlemen, it obviously follows that if this defendant was in this case for you to determine whether Rose did call up this defendant and have a conversation with him shortly after the murder. In view of the fact that Rose is without any controversy one of the murderers who caused the death of Rosenberg; in view of the fact that Rosenberg was killed about 1:40, it becomes important to you to determine whether or not Rose, one of those who conspired and engineered the murder of Rosenberg, was in communication with this defendant at about 2 o'clock in the morning."

"What is the evidence in this record

upon that subject? Rose said that he did have that conversation. Is he corroborated?"

MRS. BECKER COLLAPSES AS SHE HEARS JURY'S VERDICT

Wife of Accused Lieutenant Had Believed in Disagreement at Worst.

Mrs. Becker was so affected by the verdict that her brother, John Lynch, practically carried her from the court room. Last night in her home at 3239 Oliveville avenue she was ill and unable, Mr. Lynch said, to speak a word about the case.

Yesterday morning Mrs. Becker, who showed a smiling and confident face all through the trial, told inquirers that she was sure her husband would be acquitted. She believed that Mr. Manton had presented a strong case and that he had helped the case with a powerful argument. She said there might be a disagreement of course, but never a conviction.

After the jury went out, Mrs. Becker went to the Sheriff's guard room on the first floor of the Criminal Courts Building and had luncheon with her husband and with her brother and his brothers. They were all somewhat nervous except Becker himself, who cracked jokes and told them to cheer up—that he wasn't a bit afraid of the jury.

Brother Didn't Believe Rumor.

After luncheon Becker was taken to the Tombs and Mrs. Becker, Lieut. John Becker and Jackson Becker and Mr. Lynch remained in the Sheriff's room, waiting for news. As the time passed they became certain of acquittal or disagreement. At 4:45 P. M. John Becker, not having heard anything for an hour or so, left the Sheriff's room and stepped into the corridor to get the news. He was heard from. At that instant almost he heard that the jury was coming in with a verdict of murder in the first degree.

Lieut. Becker didn't believe the rumor. He waited outside the guard room until the first newspaper man ran out shouting the verdict, "Guilty as charged." Then Lieut. Becker turned slowly back toward the Sheriff's room.

When he entered Mrs. Becker gave a quick glance at his face, groaned and collapsed in the arms of her brother. The self-control that had marked her almost as much as the self-control that distinguished her husband was gone in an instant. She wept and cried out against the finding of the jury. The brothers of her husband and her own brother, who they could not see, but they were so moved that they wept themselves that it wasn't much use.

When several persons knocked at the door of the Sheriff's room asking for permission to talk to Mrs. Becker, Lieut. John Becker appeared at the door. His eyes were red and swollen and there were traces of tears on his cheeks. It was about all he could do to speak at all.

Mrs. Becker Helped to Taxicab.

"Mrs. Becker cannot see anybody," he said. "She cannot talk to anybody. She is heartbroken. She is suffering from the shock of this and we must get her home soon. She can't articulate. She can't believe the news—won't believe it. Please don't say a word to her."

The family party remained behind locked doors for half an hour in the Sheriff's room. Then they came into the corridor to get the news. Mrs. Becker was supported by John Lynch and Jackson Becker. They practically carried her to a taxicab that was waiting at the curb.

"My God!" said John Becker. "Don't say anything to us! I am going through just what I had two years ago and I haven't got a dollar. Look at that!"

At Mrs. Becker's home last night it was said that no member of the family had anything to say about the verdict and that Mr. Manton of their counsel was away. It was learned that Mrs. Becker was somewhat recovered. Mr. Manton had buoyed up her spirits considerably by his confidence that the verdict would be once more reversed on appeal.



On May 6th, 1799, the Directors of the Manhattan Company empowered their Water Committee "to contract for as many pine logs as they may think necessary for pipes and also for boring the same."

These pine logs, bored to a diameter of 3 inches, constituted the mains of New York's first comprehensive water system.

Contrasted with the 60-inch iron mains of to-day, they serve to emphasize the changes and the progress of the 114 years during which the Bank of the Manhattan Company has rendered efficient service to its patrons.

Capital \$2,050,000
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We want your account.

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COURT-MARTIAL IS DEFIED BY WOMAN

Head of Colorado Peace Society Refuses to Testify About Ludlow Shooting.

THIRD VERDICT RETURNED

Witness Says Abuses by Guards Goaded Strikers to Desperation.

DENVER, May 22.—A peremptory summons for Mrs. Alma Lafferty, president of the Colorado Woman's Peace Association and several times a member of the State Legislature, was issued to-day by Col. Davis, president of the court-martial sitting at Golden.

With the summons was issued an order for the arrest of Mrs. Lafferty should she refuse to obey. Mrs. Lafferty declared to-night that she would not go before the inquisitors and tell what she learned upon visiting the Ludlow tent colony, where two women and eleven children were killed. She said she would defy the military powers. She gave as her reason that the militia officers are trying to turn the trial into a farce.

Capt. Tom C. Linderfelt was tried to-day by the military court. When he and five other officers were arraigned each demanded a separate trial. It is said that the State militia men are preparing to estimate the trial in the civil courts by pleading that they have been tried once by the military board.

Capt. Linderfelt's case was closed late in the day and the commission went into secret session and voted a verdict. Similar action was taken yesterday in the case of Capt. E. F. Carson.

Verdicts in Three Cases.

The commission now has found verdicts in the cases of three of the officers, but no intimation of the nature of the findings has been given out officially. Gov. Ammons, who must pass finally upon the verdicts, is out of the city taking a rest and may not be back for a week.

The chief witness against Capt. Linderfelt was Lieut. L. B. Elliott of Company K, Second Infantry. Elliott said that he was at Hastings on the day of the battle when he got word to call for volunteers there and rush to Ludlow. He collected sixteen men, he said, and on the way to Ludlow he was fired upon.

"I was in the tent colony Saturday morning, April 18," he said, "having ridden from Hastings on horseback. I visited the tent colony and visited among the strikers, and they all seemed glad to see me."

"I shook hands and chatted with John and Gus Weinberg and Bernardo, the Italian leader, and I could see that everybody in the colony was more wrought up with hatred against the troops than they ever had been before."

Booted a Striker.

"Three leaders told me that some troops had just 'booted' a striker in front of everybody at the depot that morning. The men were wild with hatred and tumult. I rode down to the depot and saw the crowd of 200 men and said, 'Boys, if that damnable thing ever occurs again shoot down these dirty guards like dogs.'"

This testimony by Elliott corroborates the charges made by the military investigating board that under Lieut. K. E. Linderfelt's regime the troops by their assaults and abuses had goaded the strikers to desperation.

Elliott, describing the Ludlow battle, said:

"About 6:45 I was put with a detail under Capt. T. C. Linderfelt to take the steel bridge. About that time the first tent caught fire in the colony. The bridge was taken at 7:15."

"At 7:30 or 7:45 the voices of women and children could be heard screaming in the tents. We saw them running about among the tents like a lot of lost sheep. T. C. Linderfelt called to the women and children to come across to the truck. Then he and I, Linderfelt and Carson, and myself went to the rescue and got fifteen children and women."

"There was direct fire all this time. We saw the flames and got fifteen more women and children."

BESETS ROCKEFELLERS.

Arthur Carson, Agitators' Leader, Kept Off Estate.

TARRYTOWN, N. Y., May 22.—Arthur Carson, who had three parties of agitators to Tarrytown to march in silence in front of the Rockefeller home, came to Tarrytown to-day and spent three hours in reconnoitering at Pocantico Hills. He tried to get into the Rockefeller grounds, but was turned back by the guards. When he asked to see Mr. Rockefeller he was told that Mr. Rockefeller was away.

Carson returned to North Tarrytown and tried to obtain permission from John Wirth, president of the village, to hold a mass meeting to-morrow night. Wirth refused to grant the request.

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FIRST ANTI-TRUST BILL READY FOR VOTE

House Through With Trade Board Measure, Takes Up Clayton Measure.

MURDOCK ON MELLEN

Publicity Policy in Corporation Affairs Ineffective, Says Progressive.

WASHINGTON, May 22.—Consideration of the bill to create an interstate trade commission, the first of the series of three anti-trust measures introduced by the Administration, was concluded in the House to-day. The House then began debate on the Clayton bill embodying the major portions of the Administration's program of anti-trust legislation.

The trade bill, which will be passed by a practically unanimous vote, judging from the past week's debate, provides for a commission of three members. It gives powers for investigation in affairs of corporations and is authorized to make recommendations to Congress for legislation regulating the activities of corporations. The bill transfers to the commission all the powers, authority and duties now exercised by the Commissioner of Corporations in the Department of Commerce.

Representative Webb of North Carolina, acting chairman of the Judiciary Committee, made the opening address in the debate on the Clayton bill. He laid emphasis on the provisions of the measure dealing with labor. He appealed to members to stand by the labor provisions and to resist the demand that they be broadened so as to exempt the unions from prosecution under the Sherman anti-trust act.

In the debate on the trade commission bill Representative Murdock, the Progressive, said that he intended to offer testimony of Charles S. Mellen before the Interstate Commerce Commission. He declared that the New Haven disclosures presented evidence that "publicity in corporation affairs is not as effective as a dash of milk and water."

Mr. Murdock offered an amendment which was defeated, giving the trade commission arbitrary power to prevent unfair trade practices in a colloquy between Mr. Murdock and Representative Covington of Maryland, who had the bill in charge. Mr. Covington recognized as an anti-trust measure the bill in the House, made